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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,814	02/09/2004	Douglas Stephen Ransom	6270/137	9228

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EXAMINER

SUAREZ, FELIX E

ART UNIT	PAPER NUMBER
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2857

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/774,814	RANSOM ET AL.	
	Examiner	Art Unit	
	Felix E. Suarez	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-78 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27-48 and 61-78 is/are allowed.
- 6) ☒ Claim(s) 1-17, 21 and 48-60 is/are rejected.
- 7) ☒ Claim(s) 18-20 and 22-26 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>01 November 2004</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Minor Informalities***

1. The disclosure is objected to because of the following informalities:

In page 1 line 11 of the specification, phrase "Serial No. 09/896,570, filed June 29, 2001" should be – Serial No. 09/896,570, filed June 29, 2001, now U.S. Patent No. 6,944,555, issued September 13, 2005--.

In page 1 line 12 of the specification, phrase "Serial No. 09/814,436, filed March 22, 2001" should be – Serial No. 09/814,436, filed March 22, 2001, now U.S. Patent No. 6,751,562, issued June 15, 2004--.

In page 1 line 14 of the specification, phrase "Serial No. 09/723,564, filed November 28, 2000" should be – Serial No. 09/723,564, filed November 28, 2000, now U.S. Patent No. 6,961,641, issued November 1, 2005--.

In page 1 line 15 of the specification, phrase "Serial No. 10/068,431, filed February 6, 2002" should be – Serial No. 10/068,431, filed February 6, 2002, now U.S. Patent No. 6,694,270, issued February 17, 2004--.

In page 1 lines 24, 27 of the specification, blank space "\_\_\_\_\_" should be completed.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 are rejected under 35 U.S.C. 102(b) as being unpatentable over Allen et al. (U.S. Patent No. 4,570,217).

With respect to claim 1, Allen et al. (hereafter Allen) teaches a method of providing enterprise energy management data (see col. 18, lines 52-67) in a computing device display, the method comprising:

displaying an interactive natural language user interface on the computing device display, the interactive natural language user interface having at least one selectable menu (see col. 15, lines 31-44 and col. 16 line 65 to col. 17 line 14);

forming a query with the interactive natural language user interface by selecting at least one predefined variable in the at least one selectable menu (see col. 34, lines 20-40 and col. 123, lines 23-47);

searching an energy enterprise management database to obtain a result for the query (see col. 18, lines 52-67); and

adjusting a charting area on the computing device display of a computing device as a function of the result (see col. 18, lines 33-50).

With respect to claims 2 and 12, Allen further teaches that, at least one selectable menu is a drop down menu (see col. 31, lines 61-65 and col. 34, lines 27-40).

With respect to claim 3, Allen further teaches, allowing the user to switch chart types by selection of a chart type control (see col. 38, lines 55-63).

With respect to claim 4, Allen further teaches that, the computing device is coupled to a network (see col. 13, lines 19-30).

With respect to claim 5, Allen teaches a method of providing enterprise energy management data over a network, the method comprising:

selecting a scenario on a computing device display (see col. 33, lines 49-60);

displaying an interactive natural language user interface on the computing device display, the interactive natural language user interface having at least one selectable menu, the interactive natural language user interface further based on the scenario (see col. 15, lines 31-44 and col. 16 line 65 to col. 17 line 14);

forming a query with the interactive natural language user interface by selecting at least one predefined variable in the selectable menu (see col. 34, lines 20-40 and col. 123, lines 23-47);

searching an energy enterprise management database to obtain a result for the query (see col. 18, lines 52-67); and

adjusting a charting area on the computing device display of the computing device as a function of the result (see col. 18, lines 33-50).

With respect to claims 6, 7, 10 and 15, Allen further teaches that, the charting area is further adjusted based on at least one of a trend scenario (see col. 46 line 62 to col. 47 line 5) and a statistical scenario (see col. 56, lines 40-53).

With respect to claim 8, Allen teaches a computer program product for use in an enterprise energy management system, the computer program product comprising:

computer readable program code (see col. 38, lines 3-14 and col. 94, lines and col. 100, lines 35-44) for displaying an interactive natural language user interface to a user of a computing device, the interactive natural language user interface having a selectable menu (see col. 15, lines 31-44 and col. 16 line 65 to col. 17 line 14);

computer readable program code (see col. 38, lines 3-14 and col. 94, lines and col. 100, lines 35-44) for forming a search query based on the natural sentence through the selection of at least one predefined variable in the selectable menu by the user (see col. 34, lines 20-40 and col. 123, lines 23-47);

computer readable program code (see col. 38, lines 3-14 and col. 94, lines and col. 100, lines 35-44) for searching an energy enterprise management database for a result (see col. 18, lines 52-67); and

computer readable program code (see col. 38, lines 3-14 and col. 94, lines and col. 100, lines 35-44) for generating a graphical representation of the result on the computing device (see col. 18, lines 33-50).

With respect to claim 9, Allen further teaches that, a computer readable program code provides scenarios selection wherein the interactive natural language query is a function of the scenario selection (see col. 33, lines 49-60).

With respect to claim 11, Allen further teaches, allowing the user to select a chart type to display the result (see col. 18, lines 33-50).

With respect to claim 13, Allen teaches an enterprise electrical management system, the system comprising:

means for allowing the user to interface with a natural language query to create a search query (see col. 123, lines 1-30);

means for searching an enterprise energy management database containing a plurality of energy management data records to obtain a result to the search query (see col. 18, lines 52-66); and

means for displaying the result on the computing device (see col. 18, lines 33-50).

With respect to claim 14, Allen further teaches that, the natural language query is formed by the user creating a sentence by selecting a variable in at least one predefined selectable menu displayed in the graphical user interface (see col. 123, lines 13-21).

3. Claims 48-60 are rejected under 35 U.S.C. 102(b) as being unpatentable over Yabutani et al. (U.S. Patent No. 6,775,595).

With respect to claims 48, 55 and 60, Yabutani et al. (hereafter Yabutani) teaches an energy enterprise management system (or method or a computer program product) comprising:

- generating a graphical representation of a power consumption value for at least one load being used over the course of at least one time period (see col. 9, lines 39-43 and FIG. 7) ;

- selecting a respective power consumption value in a respective time period (see col. 9, lines 43-56 and FIG 7 Period curve before saving operation);

- shifting the selected power consumption value to a different time period (see col. 9, lines 43-56 and FIG 7 Period curve before energy-saving operation);

- calculating a cost value associated with moving the selected power consumption value to the different time period (see col. 9, lines 43-56 and FIG 7 Period curve during energy-saving operation); and



shifting an operating range of the at least one load to the different time period if the data value indicates a cost savings (see col. 9, lines 10-23, lines 57-65 and FIG. 5).

With respect to claims 49 and 56, 58, Yabutani further teaches that, the data value is cost data (see col. 9, lines 57-65; col.10, lines 46-58 and FIG. 7).

With respect to claim 50, Yabutari further teaches that, the first time period comprises a plurality of time intervals (see col. 9, lines 39-43 and FIG. 7).

With respect to claims 51 and 59, Yabutari further teaches that, the portion of power consumption value may be further represented by an amount of power being consumed by the at least one load (see col. 7, lines 59-67).

With respect to claim 52, Yabutari further teaches that, the data value is calculated as a function of a magnitude of the portion of the power consumption value and a tariff structure (see col. 10, lines 15-22).

With respect to claim 53, Yabutari further teaches, generating a cost savings text display associated with shifting the selected portion of the power consumption value to the second time period (see col. 5, lines 33-41).

With respect to claim 54, Yabutari further teaches, generating a cost increase text display associated with shifting the selected portion of the power consumption value to the second time period (see col. 5, lines 52-63).

With respect to claim 57, Yabutari further teaches that, the data value is adjusted as a function of a magnitude of the power consumption value and a contract between a user and a utility (see col. 5 line 66 to col. 6 line 23).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen et al. (U.S. Patent No. 4,570,217) in view of Ehlers et al. (U.S. Patent No. 5,684,710).

With respect to claim 16, Allen et al. (hereafter Allen) teaches a method of providing enterprise energy data over a network, the method comprising:  
generating a polar coordinated plot on a display of a computing device  
(see col. 141, lines 45-60 and cols. 148, 148 TABLE 146);

Allen does not teach:

generating at least one power line data value on the polar coordinated plot as a function of a power indication value monitored over a predetermined period of time.

But Ehlers et al. (hereafter Ehlers) in a system for measuring electrical power interruptions that, for commercial customers or others who have significant reactive loads, the DEVICE data structure may be supplemented with a COMMERCIAL data structure. This data structure may have, for example, fields containing information such as the consumption calculations for the device over a chosen interval in terms of kwh, kvah, and kvarh; an identification of the interval by interval number or by time (see Ehlers; col. 13, lines 14-40).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Allen to include a commercial data structure as taught by Ehlers, because the commercial data structure of Ehlers allows to store and generate information such as the consumption calculations for the device over a chosen interval in terms of kwh, kvah, and kvarh, as desired.

Allen further teaches; generating a vector on the polar coordinated plot originating from a point of origin on the polar coordinated plot to the at least one power line data value (see Allen; col. 96, lines 8-29 and cols. 148, 148 TABLE 146);

adjusting a power level display on the display of the computing device as a function of the location of the vector to display a data value associated with the location of the vector (see Allen; cols. 91, 92 TABLE 25 Argument, calling sub-picture, creating sub-picture, invisible sub-picture).

With respect to claim 17, Allen in combination with Ehlers teach all the features of the claimed invention, and Allen further teaches, allowing a user to adjust the position of the vector (see col. 94, lines 10-19).

With respect to claim 21, Allen in combination with Ehlers teach all the features of the claimed invention, and Allen further teaches that at least one power line data value may comprise an amount of power consumed at a pre-selected data source (see col. 126, lines 20-29).

***Allowable Subject Matter***

5. Claims 27-47 and 61-78 are allowable.

6. The following is a statement of reasons for the indication of allowable subject matter:

Claims 27-47 and 61-78 are allowable because the prior art, particularly Allen et al. ([U.S. Patent No. 4,570,217]) (hereafter Allen) and Ehlers et al. [U.S. Patent No. 5,684,710] (hereafter Ehlers) fail to teach or suggest a computer

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program product for use in an enterprise energy management system,  
comprising:

computer readable program code for plotting the power line data value  
(or a plurality of power line data values) on the polar coordinated plot over the  
predetermined period of time; nor

computer readable program code for generating a vector on the polar  
coordinated plot stemming from a point of origin of the polar coordinated plot to  
the at least one power line data value.

Allen and Ehlers also fail to teach or suggest a method (or a computer  
program product or a system) of providing event aggregation in an enterprise  
energy management system, the method comprising:

posting energy data events in the content summary viewing area as a  
function of the selection of a respective feed in the feed summary selection area.

7. Claims 18-20 and 22-26, are objected to as being dependent upon  
a rejected base claim, but would be allowable if rewritten in independent form  
including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of  
allowable subject matter:

Claims 18-20, would be allowable over the prior art for at least the reason  
that the prior art fail to teach or suggest:

comprising plotting a tariff line data value on the polar coordinated plot as a function of the tariff structure.

Claims 22-24 would be allowable over the prior art for at least the reason that the prior art fail to teach or suggest:

generating a cost line data value on the polar coordinated plot as a function of the amount of power consumed.

Claim 25 would be allowable over the prior art for at least the reason that the prior art fail to teach or suggest:

generating a normalized power operations line data value on the polar coordinated plot.

Claim 26 would be allowable over the prior art for at least the reason that the prior art fail to teach or suggest:

wherein the polar coordinated plot includes a horizontal axis and a vertical axis, wherein the horizontal axis and the vertical axis represent the predetermined period of time.

### ***Conclusion***

#### ***Prior Art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nuttall et al. [U.S. Patent No. 5,604,892] describes a power system data model.

Fung [U.S. Patent No. 6,859,882] describes a power management of an electric service.

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Forth et al. [U.S. Patent No. 6,853,978] describes a system for monitoring and managing power generation, distribution and consumption.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Felix Suarez, whose telephone number is (571) 272-2223. The examiner can normally be reached on weekdays from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on (571) 272-2216. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for regular communications and for After Final communications:

October 27, 2006

F.S.

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2857